

# SENATE BILL 562

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11r1662

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By: **Senator Pugh**

Introduced and read first time: February 4, 2011

Assigned to: Finance

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 26, 2011

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Department of Health and Mental Hygiene – ~~Required Certification of~~**  
3 **Recovery Homes – Best Practices**

4 FOR the purpose of requiring the Department of Health and Mental Hygiene to ~~adopt~~  
5 ~~regulations for the certification of recovery homes in the State; requiring the~~  
6 ~~regulations to include certain standards, requirements, fees, and procedures;~~  
7 ~~authorizing the regulations to include certain requirements; requiring the~~  
8 ~~certification fee set by the Department to cover certain departmental costs;~~  
9 ~~prohibiting a person from operating a recovery home without certain~~  
10 ~~certification; prohibiting certain programs from referring program participants~~  
11 ~~to a recovery home that is not certified; requiring applicants for certification as~~  
12 ~~a recovery home to submit an application on the form the Department requires;~~  
13 ~~requiring the Department to issue a certificate to an applicant that meets~~  
14 ~~certain certification requirements; requiring the Department to give an~~  
15 ~~applicant an opportunity for a hearing under certain circumstances; providing~~  
16 ~~that a person who operates a recovery home in violation of this Act is subject to~~  
17 ~~a certain penalty~~ identify standards for best practices on recovery homes and  
18 report certain findings to the Governor and the General Assembly on or before a  
19 certain date; and generally relating to the certification of recovery homes.

20 ~~BY adding to~~

21 ~~Article – Health – General~~

22 ~~Section 8-406~~

23 ~~Annotated Code of Maryland~~

24 ~~(2009 Replacement Volume and 2010 Supplement)~~

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
 2 MARYLAND, That ~~the Laws of Maryland read as follows:~~ the Department of Health  
 3 and Mental Hygiene shall:

4 (1) identify standards for best practices for recovery homes; and

5 (2) on or before December 31, 2011, report its findings regarding  
 6 standards for best practices for recovery homes to the Governor and, in accordance  
 7 with § 2-1246 of the State Government Article, the General Assembly.

8 ~~Article Health General~~

9 ~~§ 406.~~

10 (A) (1) ~~IN THIS SECTION, "RECOVERY HOME" MEANS A HOME THAT~~  
 11 ~~PROVIDES TEMPORARY RESIDENTIAL ACCOMMODATION, GUIDANCE,~~  
 12 ~~SUPERVISION, AND PERSONAL ADJUSTMENT SERVICES FOR A GROUP OF THREE~~  
 13 ~~OR MORE INDIVIDUALS RECOVERING FROM ALCOHOL OR DRUG ADDICTION.~~

14 (2) ~~"RECOVERY HOME" DOES NOT INCLUDE:~~

15 (I) ~~AN ALCOHOL ABUSE AND DRUG ABUSE TREATMENT~~  
 16 ~~PROGRAM AS DEFINED IN § 8 403 OF THIS SUBTITLE; OR~~

17 (II) ~~A PRIVATE GROUP HOME AS DEFINED IN § 10 514 OF~~  
 18 ~~THIS ARTICLE.~~

19 (B) (1) ~~THE DEPARTMENT SHALL ADOPT REGULATIONS FOR THE~~  
 20 ~~CERTIFICATION OF RECOVERY HOMES IN THE STATE.~~

21 (2) ~~THE REGULATIONS REQUIRED UNDER THIS SUBSECTION~~  
 22 ~~SHALL INCLUDE:~~

23 (I) ~~STANDARDS FOR THE STAFF OF THE RECOVERY HOME,~~  
 24 ~~INCLUDING A REQUIREMENT THAT STAFF BE FREE OF DRUGS FOR AT LEAST 1~~  
 25 ~~YEAR PRIOR TO WORKING IN THE RECOVERY HOME;~~

26 (II) ~~A REQUIREMENT FOR THE DEMONSTRATION OF THE~~  
 27 ~~NEED FOR THE RECOVERY HOME;~~

28 (III) ~~CERTIFICATION FEES;~~

1                   ~~(IV) PROCEDURES FOR APPLYING FOR CERTIFICATION AS A~~  
2 ~~RECOVERY HOME UNDER THIS SECTION; AND~~

3                   ~~(V) PROCEDURES FOR THE RENEWAL OF CERTIFICATION AS~~  
4 ~~A RECOVERY HOME UNDER THIS SECTION.~~

5                   ~~(3) THE REGULATIONS ADOPTED UNDER THIS SUBSECTION MAY~~  
6 ~~INCLUDE REQUIREMENTS FOR INFORMATION TO BE SUBMITTED BY CERTIFIED~~  
7 ~~RECOVERY HOMES TO THE DEPARTMENT.~~

8                   ~~(C) THE CERTIFICATION FEE SET BY THE DEPARTMENT SHALL COVER~~  
9 ~~THE DEPARTMENT'S COSTS OF CERTIFYING RECOVERY HOMES UNDER THIS~~  
10 ~~SECTION.~~

11                   ~~(D) (1) A PERSON MAY NOT OPERATE A RECOVERY HOME WITHOUT~~  
12 ~~RECEIVING CERTIFICATION FROM THE DEPARTMENT UNDER THIS SECTION.~~

13                   ~~(2) A MENTAL HEALTH PROGRAM LICENSED OR CERTIFIED BY~~  
14 ~~THE DEPARTMENT OR AN ALCOHOL ABUSE AND DRUG ABUSE PROGRAM~~  
15 ~~LICENSED OR CERTIFIED BY THE DEPARTMENT MAY NOT REFER PROGRAM~~  
16 ~~PARTICIPANTS TO A RECOVERY HOME THAT IS NOT CERTIFIED BY THE~~  
17 ~~DEPARTMENT.~~

18                   ~~(E) (1) AN APPLICANT FOR CERTIFICATION AS A RECOVERY HOME~~  
19 ~~SHALL SUBMIT AN APPLICATION TO THE DEPARTMENT ON THE FORM THAT THE~~  
20 ~~DEPARTMENT REQUIRES.~~

21                   ~~(2) THE DEPARTMENT SHALL ISSUE A CERTIFICATE TO AN~~  
22 ~~APPLICANT THAT MEETS THE DEPARTMENT'S CERTIFICATION REQUIREMENTS.~~

23                   ~~(3) BEFORE THE DEPARTMENT DISAPPROVES AN APPLICATION,~~  
24 ~~THE DEPARTMENT SHALL GIVE THE APPLICANT AN OPPORTUNITY FOR A~~  
25 ~~HEARING.~~

26                   ~~(F) A PERSON THAT OPERATES A RECOVERY HOME IN VIOLATION OF~~  
27 ~~THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT~~  
28 ~~TO A FINE NOT EXCEEDING \$1,000.~~

29                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
30 ~~October~~ July 1, 2011.